REMARKS

Claims 1-11 are pending in this application. Claims 1-11 stand rejected. In light of the remarks set forth below, Applicant respectfully requests reconsideration and allowance of the pending claims.

Claims 1-3, 6, and 9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Office Action states that the limitation "writes said frame to a memory location shifted from a top of the next available memory location" is not disclosed in the specification. Applicant asserts that this feature is indeed disclosed in the specification.

The specification states that "in order to accomplish the above object, in a frame-relay frame transmission circuit of the present invention, when a received frame-relay frame is written in a memory, the frame is written from an address shifted from the top of a frame buffer. The shift size is determined for each connection." (See specification at 3.) As shown in Figure 5, the frame is shown shifted from the top of the frame buffer, further, the specification at page 5, line 21 through page 6, line 10 discloses this limitation. As such, the specification clearly shows that the frame is written to a memory location that is shifted from the top of the next available memory location in the frame buffer.

Because the specification and drawings clearly disclose the limitation "writes said frame to a memory location shifted from a top of the next available

memory location", Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Paragraph 3 of the Office Action rejects claim 1 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,144,699 ("Williams"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 1 not present in the cited reference is wherein said device receives a frame-relay frame and writes said frame to a memory location shifted from a top of the next available memory location in a frame buffer.

Williams discloses a system which includes a first-in/first-out (FIFO) queue. (Col. 9, lns. 42-45.) The processor 84 in Williams retrieves frames from the queues for processing in a concurrent round-robin fashion, the frames having been placed at the tail of the queue. (Col. 12, lns. 40-49.) Thus, there is no disclosure

of the frame being written to a memory location shifted from a top of the next available memory location as explicitly recited in claim 1. Therefore, Williams fails to anticipate claim 1. As such, Applicant respectfully requests reconsideration and allowance of claim 1.

Claim 2 depends from, and contain all the limitations of claim 1. This dependent claim also recites additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Williams and is also believed to be directed towards the patentable subject matter. Thus, claim 2 should also be allowed.

Claims 2-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of U.S. Patent No. 6,301,259 ("Nakabayashi"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Each of Applicant's independent claims includes the limitation that the frame is written to a memory location shifted from the top of the next available memory location in a frame buffer. As discussed above, with respect to claim 1, the Williams reference fails to disclose this limitation. The Nakabayashi reference was not included to cure this deficiency but to show additional limitations which, even if it were to show, do not cure the deficiency in Williams discussed above. As such, Applicant asserts that claims 2-11 are patentable over the cited combination and request reconsideration and allowance of the pending claims.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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